

Improvement Area—Claims

Scope

Claims focuses on statements found on labels that assert something as true, real, or factual or that attempt to establish the overall worth, merit, or value. The scope will include master, marketplace and distributor labels and other labeling such as those used for advertising or web-based marketing. Multiple Products Packaged Together (Kits, Multi-packs/co-packs) labels will also be included in the scope. Types of claims for consideration include:

- Pesticidal claims (i.e. public health claims or efficacy claims) (difficult due to a lack of viewable data), and
- Marketing (i.e. safety) versus non-pesticidal claims (i.e. “new and improved”).

Common concerns include:

- Public health claims and the availability/accessibility of data/research to states. While submitted to EPA, it is not necessarily obtained by/available to states
- Variability of requirements among pesticide regulatory programs, specifically, some states request/require public health data for 25(b) products
- Public health pests and public health claims addressing the resulting public health issue. Is the public/user able to identify one product from the other and select the appropriate product, for example, surface disinfectant wipes vs hand wipes?
- “Muddy claims” – it should all be clarified!!
- Comparative claims, specifically, one product being compared to another similar product, for example, a non DEET topical being compared to DEET or a “spot on” pet product being compared to another “spot on” product.
- Negative claims, for example, “does this but not that” language. Does the language provide clarity to the public/end user?
- True statement used in a false and misleading manner. For example, “Our product is not bleach”
- Location of claims, specifically claims being more prominent on the label than actual product use requirements
- Environmental claims on 25(b) products

Team:

The Claims Improvement Team should include states/tribes/territories registration reviewers, enforcement/compliance label reviewers, EPA, Center for Disease Control (depending on concerns addressed), FTC, Industry/Associations including technical and marketing groups, and end users. Focus groups should be considered for the assessment of claim perception.

Resources

In addition to the resources listed previously in Section 2 (Plan), the Claims Improvement Team may wish to consider:

Commented [CSK1]: Should 25(b) products be included in this project/plan? It appears that they are outside of the scope of the project as outlined in Section 2. Would this statement be better identified as some states require efficacy data to support claims/use?

I don't see 25(b) products referenced in any other sections of the plan. If we add 25(b) to this, should devices also be included?

Commented [VP2]: Do we have an example to ensure the reader understands the concern?

Commented [CSK3R2]: Does this mean claims that include enforceable and non-enforceable language?

Commented [CSK4]: This type of claim has already been identified by EPA as not acceptable. Label Q&A site - LC21-1208; 10/14/21

Commented [CSK5]: What does this mean? Are environmental claims not on Sec 3 products?

Commented [CSK6]: Does this team need to collaborate with any of the other teams? Should they utilize information developed by the DFUL or enforceability teams?

Commented [VP7]: Federal Trade Commission?

- Pesticide Registration Notices (regarding false or misleading claims)
- Industry guidance/best management practices
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Deliverables

Deliverables are categorized as short or long-term:

Short-term Deliverables:

- Define claims (i.e. “kills on contact”)
- Examples of label statements that are problematic and why
- Guidance document on how to direct an inquiry or question regarding a claim
- A path/process for resolving/addressing false and misleading language on a marketplace label including those cases where appears on the master label
- Best practices guide within the Label Review Manual that summarizes this project— a short term deliverable that could include/outline the recommendations of this group

Commented [CSK8]: Is this guidance document intended for SLA to EPA, EPA to Registrant, SLA to Registrant?

Long-term Deliverables:

- Update Label Review Manual to include definitions or examples that have been newly identified
- A resource document that serves as a central repository for terminology by capturing existing language could be a living document. It could include content from label review manual and FIFRA

Timeline:

The timeline for completion is estimated to be six months for short-term deliverable and one year for long-term deliverables. Also impacting the timeline for completion are the resources required by the Claims Improvement Area Team.

Barriers:

Additional barriers specific to the Claims Improvement Area include:

- Consensus/agreement on concepts between industry and SLAs
- Fairness to all groups involved in pesticide regulation, application etc.
- Getting embroiled in semantics – addressing this by establishing hard deadlines; beg, borrow and steal established definitions/explanations

Commented [CSK9]: What does this mean?